

The Village of Northfield

REGULAR COUNCIL MEETING Agenda – May 23, 2018

Pledge of Allegiance

Call to Order; Roll Call; Approval of Minutes

Presentation of Petitions, Memorials and Remonstrances

Reports of Municipal Officers:

Jesse J. Nehez, Mayor
Tricia Ingrassia, Finance Director
Richard Wasosky, Engineer
Brad Bryan, Law Director

Department Heads:

John Zolgus, Police Chief
Jason Buss, Fire Chief
Jason Walters, Service/Building Superintendent

Reports of Municipal Boards and Commissions:

Alan Hipps, Planning Commission
Mayor Nehez, Recreation Board

Reports of Standing Committees:

Nicholas Magistrelli, Finance
Jennifer Domzalski, Roads and Public Works
Keith Czerr, Health and Welfare
Gary Vojtush, Wages and Working Conditions
Renell Noack, Fire and Safety
Alan Hipps, Buildings and Grounds

Legislation:

2018-30 – An Emergency Ordinance Establishing Sections 1268.11 and 1270.07 of the Planning and Zoning Code Relating to Car or Truck Rental Establishments (Third Reading)

2018-34 – An Emergency Ordinance Amending Section 1610.99 of the Village's Fire Prevention Code Relating to Civil Penalties for Violations of the Ohio Fire Code (Third Reading)

2018-36 – An Emergency Resolution Confirming the Mayor/Director of Public Safety's Appointment of Stephen Hren as a Part-Time Lieutenant with the Fire Department (First Reading)

2018-37 – An Emergency Resolution Confirming the Mayor/Director of Public Safety's Appointment of Jordan Jachna as a Part-Time Lieutenant with the Fire Department (First Reading)

2018-38 – An Emergency Resolution Confirming the Mayor/Director of Public Safety's Appointment of Patrick Phillips as a Part-Time Lieutenant with the Fire Department (First Reading)

2018-39 – An Emergency Resolution Confirming the Mayor/Director of Public Safety's Appointment of Paul Wojtkiewicz as a Part-Time Lieutenant with the Fire Department (First Reading)

2018-40 – An Emergency Ordinance Establishing Chapter 1267 of the Zoning Code Titled Overlay Area (First Reading)

Old Business; New Business; Announcements; Adjournment

VILLAGE OF NORTHFIELD ORDINANCE NO. 2018-30
AN EMERGENCY ORDINANCE ESTABLISHING SECTIONS 1268.11 AND 1270.07
OF THE PLANNING AND ZONING CODE RELATING TO CAR OR TRUCK RENTAL
ESTABLISHMENTS

WHEREAS, automobile and truck rental establishments present particular activity, noise, light, parking, vehicle circulation, cleanliness, and aesthetic challenges to the community; and

WHEREAS, many of the commercial parcels in the Village that are zoned for retail business or light industrial use abut residential zoning districts; and

WHEREAS, franchised automobile and truck rental establishments are required to meet rigorous standards established by their franchisors that will minimize the above concerns; and

WHEREAS, the Mayor and Council desire to enact Sections 1268.11 and 1270.07 of the Zoning Code in order to properly deal with the aforementioned zoning concerns.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby enacts Sections 1268.11 and 1270.07 of the Planning and Zoning Code as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it will assist with properly balancing particular residential and commercial development uses and concerns in the Village, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

1268.11 SUPPLEMENTAL REGULATIONS FOR CAR AND TRUCK RENTAL ESTABLISHMENTS.

The rental of automobiles and trucks in B-1 or B-2 Commercial districts shall be permitted only as follows, and in addition to the regulations provided in this Chapter, only in compliance with the following standards.

(a) An automobile or truck rental business means a retail business that rents automobiles or trucks to the public or any other person or entity.

(b) Automobile and truck rental businesses shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

(c) Automobile and truck leasing businesses shall be franchised by and affiliated with a national or regional automobile or truck leasing company.

(d) Automobile and truck leasing businesses shall have a leasing office that is located in a fully enclosed building and has at least two thousand square feet of office space. In addition, in the event the business has a service garage customarily incidental to a full service, franchised, automobile and truck leasing business and franchise, such service garage shall be located in a wholly enclosed building.

(e) No junk, inoperative, or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight hours.

(f) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(g) Lighting plans shall provide for zero foot candle levels at the property line, and there shall be no light passage beyond the property lines. Lighting shields necessary to screen the lights from adjacent residential properties shall be installed to the extent necessary so that the source of the light cannot be seen from the adjacent residential properties.

(h) Locations where such use abuts a residential district or dwelling shall provide a buffer zone of not less than fifty feet in depth as required by Section 1268.03 along the entire length of the common boundary between the commercial use and the residential use. This buffer zone shall be landscaped with grass, standard shrubs, and standard trees pursuant to Sections 1268.03 and Chapter 1288. In addition, a fence at least eight feet in height of a type permitted by Section 1282.05 shall be required along the entire length of the common boundary between the commercial use and the residential use.

(i) Businesses shall be required to comply with the parking requirements set forth in Chapter 1278, and sufficient provisions for handicapped parking and access for emergency vehicles shall be made.

(j) Automobile or truck rental businesses in existence at the time of the first introduction of this section and in continuous operation since the time of the first introduction of this section shall be permitted to continue their automobile or truck rental operations at their present location without having to conform to the requirements of this section.

1270.07 SUPPLEMENTAL REGULATIONS FOR CAR AND TRUCK RENTAL ESTABLISHMENTS.

The rental of automobiles and trucks in C-2 Light Industrial districts shall be permitted only as follows, and in addition to the regulations provided in this Chapter, only in compliance with the following standards.

(a) An automobile or truck rental business means a retail business that rents automobiles or trucks to the public or any other person or entity.

(b) Automobile and truck rental businesses shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

(c) Automobile and truck leasing businesses shall be franchised by and affiliated with a national or regional automobile or truck leasing company.

(d) Automobile and truck leasing businesses shall have a leasing office that is located in a fully enclosed building and has at least two thousand square feet of office space. In addition, in the event the business has a service garage customarily incidental to a full service, franchised, automobile and truck leasing business and franchise, such service garage shall be located in a wholly enclosed building.

(e) No junk, inoperative, or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight hours.

(f) Lighting plans shall provide for zero foot candle levels at the property line, and there shall be no light passage beyond the property lines. Lighting shields necessary to screen the lights from adjacent residential properties shall be installed to the extent necessary so that the source of the light cannot be seen from the adjacent residential properties.

(g) Locations where such use abuts a residential district or dwelling shall provide a buffer zone of not less than fifty feet in depth as required by Section 1268.03 along the entire length of the common boundary between the commercial use and the residential use. This buffer zone shall be landscaped with grass, standard shrubs, and standard trees pursuant to Chapter 1288. In addition, a fence at least eight feet in height of a type permitted by Section 1282.05 shall be required along the entire length of the common boundary between the commercial use and the residential use.

(h) Businesses shall be required to comply with the parking requirements set forth in Chapter 1278, and sufficient provisions for handicapped parking and access for emergency vehicles shall be made.

(i) Automobile or truck rental businesses in existence at the time of the first introduction of this section and in continuous operation since the time of the first introduction of this section shall be permitted to continue their automobile or truck rental operations at their present location without having to conform to the requirements of this section.

VILLAGE OF NORTHFIELD ORDINANCE NO. 2018-34

AN EMERGENCY ORDINANCE AMENDING SECTION 1610.99 OF THE VILLAGE'S
FIRE PREVENTION CODE RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF
THE OHIO FIRE CODE

WHEREAS, upon recommendation of the Fire Chief, the Mayor and Council wish to amend Section 1610.99 of the Village's Fire Prevention Code relating to civil penalties for violations of the Ohio Fire Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby amends Section 1610.99 of the Fire Prevention Code as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it assists in clarifying issues associated with enforcement of the Ohio Fire Code in the Village, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day
of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

1610.99 PENALTY.

(a) Criminal Penalties.

(1) Except as a violation of Ohio R.C. 2923.17 involves subject matter covered by the Ohio Fire Code, and except as such a violation is covered by Ohio R.C. 3737.99(G), whoever violates Section 3737.51(A) of the Ohio Revised Code, or Section 1610.035 or Section 1610.05(a) of this Chapter, is guilty of a misdemeanor of the first degree.

(2) Whoever violates Section 1610.05(b) or 1610.06 is guilty of a minor misdemeanor.

(3) Whoever violates Section 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree.

(4) Whoever violates Section 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree.

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(2) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty ~~of not more than one thousand dollars (\$1,000) for each such violation of~~ not more than the following amounts. Violations determined not to be serious violations or cited as less than serious violations shall be assessed a civil penalty of not more than five hundred dollars (\$500) for severe violations, not more than two hundred fifty dollars (\$250) for moderate violations, and not more than one hundred fifty dollars (\$150) for minor violations.

(3) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements prescribed by Ohio R.C. 3737.42(C), or a substantially similar municipal ordinance, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which

have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

A severe violation shall be considered to exist if the code violation represents a serious safety risk to persons. Examples of these situations include fire systems that are out of service, overcrowding, longstanding uncorrected fire code violations, or locked egress doors. These issues shall be immediately corrected or a plan of action shall, with reasonable and deliberate speed, be submitted to and approved by the Fire Department.

A moderate violation is one that represents a serious safety risk but not an immediate life safety hazard. These types of violations typically require a third party service or testing to correct the problem. The time granted by the Inspector to remedy the problem shall be based upon the nature of the violation and circumstances. Examples of these types of violations are out of service or out of date fire protection systems, major electrical or structural issues, blocked suppression systems, or dangerous storage situations.

A minor violation is a violation that does not represent an immediate life hazard and is easily correctible. Such violations should cost less than \$100 in materials to correct and be able to be completed with little or no technical assistance. Examples of these violations include extension cords, exit signs with burnt out batteries, housekeeping issues, missing addresses, held open fire doors, dead emergency light batteries, missing and out of date fire extinguishers, missing ceiling tiles or fire protection breaks, minor electrical issues such as missing face plates and multi-plug adaptors, blocked exit doors and pathways, or other easily correctible fire code violations.

(7) Civil penalties imposed under this chapter shall be paid to the Clerk of Council ~~Village of Northfield~~ Director of Finance for deposit into the General Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

**VILLAGE OF NORTHFIELD RESOLUTION NO. 2018-36
AN EMERGENCY RESOLUTION CONFIRMING THE MAYOR/DIR. OF PUBLIC
SAFETY'S APPOINTMENT OF STEPHEN HREN AS A PART-TIME LIEUTENANT
WITH THE FIRE DEPARTMENT**

WHEREAS, the Fire Department has conducted a promotional examination for the position of Part-Time Lieutenant; and

WHEREAS, as a result of that examination, the Fire Chief is recommending that Stephen Hren be promoted to the position of Part-Time Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Mayor's appointment of Stephen Hren as a Part-Time Lieutenant with the Northfield Village Fire Department is hereby and herein confirmed, effective May 27, 2018.

SECTION 2. That said appointment shall involve a one year probationary period pursuant to the terms of Section 11.04 of the Village Charter.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and/or were in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield, for the reason that it will assist with the efficiency of the Department and the proper protection of the Village's residents, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

VILLAGE OF NORTHFIELD RESOLUTION NO. 2018-37
AN EMERGENCY RESOLUTION CONFIRMING THE MAYOR/DIR. OF PUBLIC
SAFETY'S APPOINTMENT OF JORDAN JACHNA AS A PART-TIME LIEUTENANT
WITH THE FIRE DEPARTMENT

WHEREAS, the Fire Department has conducted a promotional examination for the position of Part-Time Lieutenant; and

WHEREAS, as a result of that examination, the Fire Chief is recommending that Jordan Jachna be promoted to the position of Part-Time Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Mayor's appointment of Jordan Jachna as a Part-Time Lieutenant with the Northfield Village Fire Department is hereby and herein confirmed, effective May 27, 2018.

SECTION 2. That said appointment shall involve a one year probationary period pursuant to the terms of Section 11.04 of the Village Charter.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and/or were in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield, for the reason that it will assist with the efficiency of the Department and the proper protection of the Village's residents, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

VILLAGE OF NORTHFIELD RESOLUTION NO. 2018-38
AN EMERGENCY RESOLUTION CONFIRMING THE MAYOR/DIR. OF PUBLIC
SAFETY'S APPOINTMENT OF PATRICK PHILLIPS AS A PART-TIME LIEUTENANT
WITH THE FIRE DEPARTMENT

WHEREAS, the Fire Department has conducted a promotional examination for the position of Part-Time Lieutenant; and

WHEREAS, as a result of that examination, the Fire Chief is recommending that Patrick Phillips be promoted to the position of Part-Time Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Mayor's appointment of Patrick Phillips as a Part-Time Lieutenant with the Northfield Village Fire Department is hereby and herein confirmed, effective May 27, 2018.

SECTION 2. That said appointment shall involve a one year probationary period pursuant to the terms of Section 11.04 of the Village Charter.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and/or were in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield, for the reason that it will assist with the efficiency of the Department and the proper protection of the Village's residents, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

**VILLAGE OF NORTHFIELD RESOLUTION NO. 2018-39
AN EMERGENCY RESOLUTION CONFIRMING THE MAYOR/DIR. OF PUBLIC
SAFETY'S APPOINTMENT OF PAUL WOJTKIEWICZ AS A PART-TIME
LIEUTENANT WITH THE FIRE DEPARTMENT**

WHEREAS, the Fire Department has conducted a promotional examination for the position of Part-Time Lieutenant; and

WHEREAS, as a result of that examination, the Fire Chief is recommending that Paul Wojtkiewicz be promoted to the position of Part-Time Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Mayor's appointment of Patrick Paul Wojtkiewicz as a Part-Time Lieutenant with the Northfield Village Fire Department is hereby and herein confirmed, effective May 27, 2018.

SECTION 2. That said appointment shall involve a one year probationary period pursuant to the terms of Section 11.04 of the Village Charter.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and/or were in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield, for the reason that it will assist with the efficiency of the Department and the proper protection of the Village's residents, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

VILLAGE OF NORTHFIELD ORDINANCE NO. 2018-40
AN EMERGENCY ORDINANCE ESTABLISHING CHAPTER 1267 OF THE ZONING
CODE TITLED OVERLAY AREA

WHEREAS, areas of the Village's B-2 Zoning District lack sufficient depth, and commercial properties in the B-2 District directly abut residential properties without sufficient buffering; and

WHEREAS, in order to promote the general community health, safety, welfare, and convenience; encourage proper economic development of the State Route 8 corridor; encourage the development of the appropriate amount of parking to meet the demands of the businesses, customers, residents, and community; and properly protect the adjacent residential properties; Council desires to establish Chapter 1267 of the Zoning Code Titled Overlay Area.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby establishes Chapter 1267 of the Codified Ordinances as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it will help protect residential property adjacent to the State Route 8 Business corridor, encourage proper economic development of highway business property, enhance the appearance of commercial properties in the B-2 District, provide for adequate parking, and require enhanced buffering between commercial and residential properties in the Village, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

CHAPTER 1267

Overlay District Area

1267.01 Purpose and Intent.

The Overlay Area is created to promote the general community health, safety, welfare, and convenience of the community and to:

- (a) Enhance the existing Highway Business District zoned property along the Northfield Road, State Route 8, corridor;
- (b) Encourage proper economic development of the Northfield Road, State Route 8, corridor;
- (c) Encourage the appropriate amount of parking to meet the demands of the businesses, customers, residents, and community; and
- (d) Protect the adjacent residentially zoned property.

1267.02 Location.

The Overlay Area shall extend 120 feet from the rear property line of all parcels fronting on Northfield Road zoned B-2 Highway Business District, provided the adjacent property is zoned R-1 Residence District.

1267.03 Applicability.

(a) A property owner, or person or entity that has contracted in writing to purchase the property, may request implementation of the Overlay Area provisions as part of the Site Plan approval process.

(b) If the Overlay Area provisions are to be used, all requirements of this chapter shall be adhered to and take precedence over other requirements of this Zoning Code.

(c) The parcel or parcels to be developed under the provisions of this chapter shall be vacant or become vacant as a condition of the Overlay approval and prior to the implementation of the requirements. No residential use is permitted on properties utilizing the Overlay Area.

(d) A property owner may request to develop up to 120 feet in depth of the Overlay Area provided all parcels are contiguous to the commercially zoned property. Regardless of the depth of the Overlay Area being developed, all requirements of this chapter apply.

(e) No Overlay parcel is permitted to be developed without the development or redevelopment of an adjacent commercial parcel. All provisions of this chapter shall apply to both the Overlay parcel and the adjacent parcel zoned B-2 Highway Business.

1267.04 Uses in the Overlay District.

(a) Permitted Uses.

- Parking
- Landscaping and fencing
- Waste Disposal Facilities

(b) Prohibited Uses.

- Outdoor storage
- Outdoor dining
- Commercial buildings

Residential uses

1267.05 Development Standards.

The following development standards shall be required of both the commercial zoned property and the adjacent Overlay parcels when the Overlay Area is implemented. The Planning Commission and Council shall approve the final Landscape Plan and Site Plan in accordance with Section 1267.07.

(a) Parking.

1. Parking shall be associated with and used for the business on the adjacent commercial property.
2. Parking lots shall generally be screened from view.
3. While a principle of development is to place off-street parking to the side and rear of buildings, buildings are not required to have the majority of their parking in the rear yard.
4. Access and circulation drives should be designed to be of sufficient width and to have turning radii that properly accommodate safety and emergency vehicles.
5. All surface parking lots that exceed 20 spaces shall incorporate interior landscaping.
 - a. Landscape islands shall be incorporated to break up parking rows of more than 10 spaces.
 - b. Landscape islands shall be a minimum of 8 feet by 18 feet and shall contain a minimum of one (1) tree and at least 50 percent vegetative cover other than grass.
6. Required parking shall meet the standards established by Chapter 1278 Off-Street Parking and Loading.

(b) Buffering.

1. A buffer shall be required around the development boundary of an Overlay to separate incompatible land uses and screen and soften the impacts of incompatible land uses upon one another and upon the surrounding property line.
2. The boundary and streetscape buffer shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant, or otherwise (hereinafter referred to as "Owner").
3. No structure shall be permitted within a required buffer other than a wall or fence. A driveway from a side yard that connects a paving area to the street shall not encroach into a buffer area.
4. No buffer area shall be used for display and/or storage.
5. To insure buffering adjacent to all streets and access drives does not constitute a hazard, a clear "sight triangle" shall be maintained. The sight triangle shall be an area between points twenty (20) feet along the pavement edge of both intersecting streets and/or a driveway and a street. Landscaping in this area shall not obstruct the view of approaching vehicles or pedestrians. A sight triangle diagram indicating that the sight lines and distances are sufficient shall be provided in connection with the Site Plan.

A. Front Setback Adjacent to Northfield Road.

(1) The existing sidewalk adjacent to the Northfield Road right of way shall be replaced as part of the Overlay approval in the event the Building and Zoning Inspector determines the sidewalk is in a condition that warrants replacement or it is damaged during the construction of site improvements.

(2) The area between the new sidewalk and the edge of the proposed curb line of the parking lot shall include a minimum five (5) foot landscape strip the entire length of the parking lot frontage. The first one (1) foot of the landscape area adjacent to the sidewalk shall include decorative pavers placed on a concrete slab as approved by the Planning Commission and Council. The remaining four (4) feet of grassed landscape area shall include a mix of tree, shrub, and perennial plantings along the entire parcel frontage.

a. Trees are to be a minimum of 2 ½" caliper measured at three (3) feet in height. One tree shall be provided for every forty (40) feet of frontage. Trees planted shall be on the approved list maintained by the Village of Northfield (Appendix A). Perennial plantings are encouraged to be included in this landscape area.

(3) An ornamental picket fence shall be permitted to be integrated in the landscape. "Ornamental picket fence" means a fence that is designed and constructed of conventional material commonly utilized for the construction of decorative fencing to achieve beauty or decorative effect. If ornamental picket fencing is included in the front landscape setback, it shall conform to the following requirements:

a. Ornamental picket fencing shall be aluminum and a minimum of thirty-six (36) inches in height and shall not exceed four (4) feet in height.

b. Ornamental picket fencing shall be a minimum of one (1) foot from the front property line.

c. If fencing is used, it may be either continuous or in sections and shall be designed and submitted to the Planning Commission and Council for review and approval. The ornamental picket fence shall incorporate either a brick or stone column (material to match or be compatible with the building material) at the end of the fence or each fence section.

B. Corner Lot, Side Street.

(1) On corner lots, the area between the side street public right-of-way and the edge of the proposed curb line of the parking lot shall include a landscape strip a minimum of five (5) feet in width for the entire length of the commercial parcel and the Overlay area parking lot frontage.

(2) This landscape area shall include a mix of tree, shrub, and perennial plantings along the entire parcel frontage.

a. The ornamental picket fence may be included and shall be a minimum of thirty-six (36) inches in height and shall not exceed four (4) feet in height.

b. Ornamental fencing shall be a minimum of one (1) foot from the side

property line.

- c. One tree shall be provided for every forty (40) feet of frontage. Trees planted shall be on the approved list maintained by the Village of Northfield (Appendix A).
 - d. Trees are to be a minimum of 2 ½" caliper measured at three (3) feet in height.
 - e. Perennial plantings are encouraged to be included in this landscape area.
- (3) If the parking area adjacent to the side street is across the street from residentially zoned or developed property, the plant material within the landscape strip shall contain sufficient material that will achieve an effective screen and buffer of the parking area. The opaque screen shall include plant material capable of achieving a height of three (3) feet within two (2) years of installation. At least 75% of the plant material shall be evergreen.

C. Adjacent to Residential Property.

- (1) All parking areas located in an Overlay area or adjacent to property zoned residential or occupied by a residential use shall be screened and buffered in accordance with the following regulations.
- a. A minimum depth of a buffer for the parking from the residential property shall be ten (10) feet from edge of the curb of the paved parking area to the property line. Additional depth of the buffer may be required to effectively screen the adjacent residential property.
 - b. There shall be ground cover (e.g. grass, ivy, or other short rapidly growing perennial material) on all portions of the required buffer not occupied by other landscape material.
 - c. Trees do not have to be equally spaced but may be grouped.
- (2) The buffer area shall include a solid vinyl privacy fence and a mix of tree, shrub, and perennial plantings along the entire length of the buffer.
- a. The solid vinyl privacy fence shall be white and may be of various designs provided it maintains a solid screen to the adjacent residential property.
 - b. The top one foot of the fence may be decorative if adequate plant material is provided to screen the adjacent property.
 - c. The fence shall be 8 feet in height.
 - d. The fence and vegetation shall be located, as required by the Planning Commission and Village Council, within the buffer area in such a manner to provide screening and to strive to mitigate the effects of the development on the adjacent residential property.

- (3) A buffer shall include the following combinations of plant material to effect an opaque screen to the adjacent residential property. At a minimum, the following standards shall be required based on the width of the buffer as outlined in the following table and illustrated in Exhibit 1.

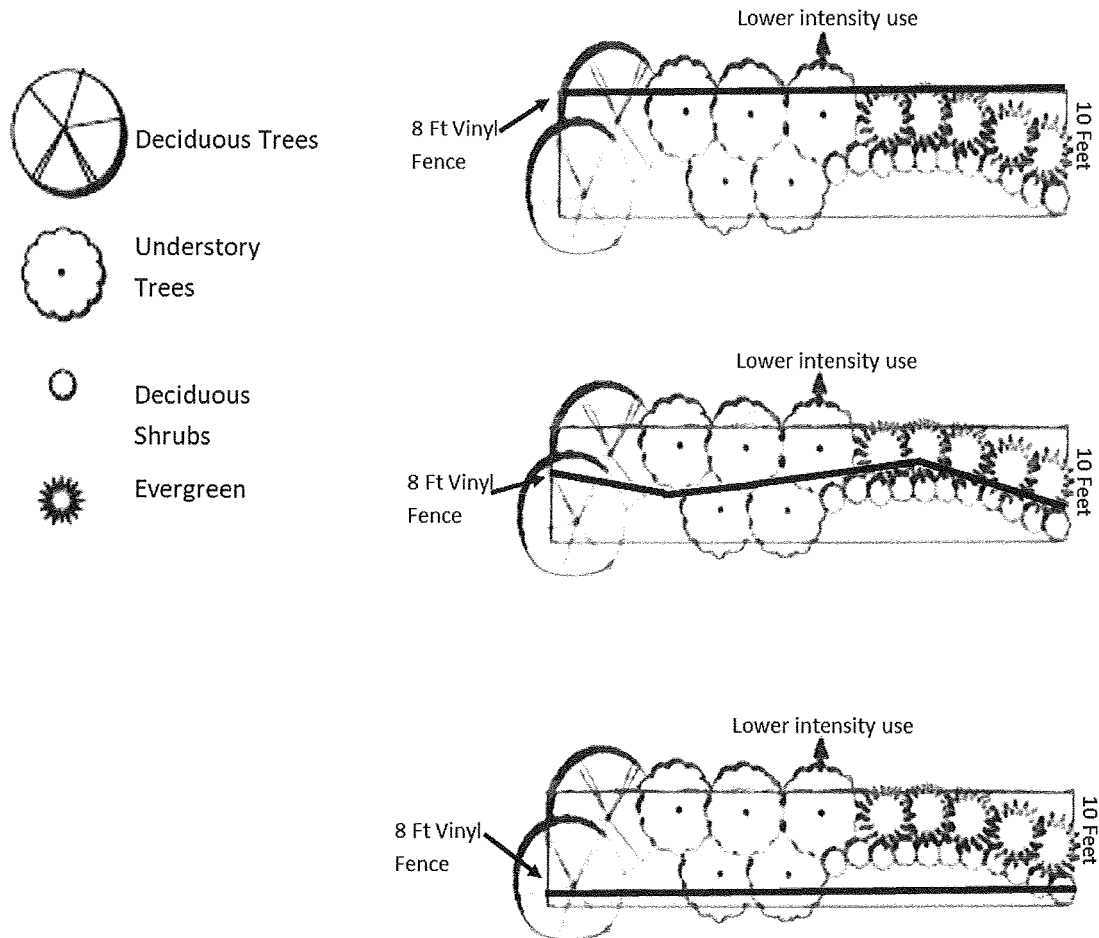
Quantity of plant material

The standard is the minimum per 100 feet of buffer. Requirements shall be prorated to the length of the buffer.

Buffer width	Deciduous trees	Understory trees	Deciduous shrubs	Evergreens	Fence 8' vinyl
25'	2	5	9	4	x
20'	3	6	9	6	x
15'	3	7	18	8	x
10'	2	5	12	5	x

Exhibit 1

Example of buffer design and possible fence locations



- (4) Trees shall be a minimum of five (5) feet in height and shrubs shall be a minimum 24" in height when installed.

D. Lighting.

- (1) All parking areas shall be illuminated. Light trespass over a property line shall be limited to no more than 0.1 footcandles at the property line. Measurements shall be taken at the residential property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground. A Lighting Plan and Photometric Diagram shall be required.
- (2) All lights shall be full cut-off fixtures.

- (3) All on-site lighting of buildings, lawns, parking areas, and signs shall be designed so as not to shine onto any adjacent residential property or building or to cause glare onto any public street or vehicle thereon.
 - (4) Light Trespass shall be defined as light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
 - (5) Maximum light pole height shall be twenty (20) feet unless otherwise approved by the Planning Commission and Council.
 - (6) Exterior building illumination shall be from concealed sources. Strobe or flashing lights and exposed neon lights are not permitted. The maximum illumination of any vertical surface or angular roof surface shall not exceed four footcandles (4FC).
 - (7) Illumination of parking areas shall only occur during business hours.
- E. Waste Disposal Facilities Standards and Screening
- (1) Waste disposal facilities shall be located behind the building and be screened.
 - (2) Waste disposal facilities shall not be located within the required buffer.
 - (3) Waste disposal facilities shall be located no more than twenty (20) feet from the rear façade of the commercial building unless otherwise approved by the Planning Commission and Council.
 - (4) The waste disposal facility shall be surrounded by a solid masonry wall with a solid gate that is a minimum of six (6) feet in height. The masonry wall shall be of the same material or complementary material to the main building.

1267.06 Landscape and Buffer Maintenance and Replacement Requirements.

The owner shall be responsible for the maintenance of all landscaping in a healthy and growing condition to present a healthy, neat, and orderly appearance. The following standards shall apply:

- (a) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- (b) All planted areas shall be maintained in a weed-free condition, clear of undergrowth, and free from debris and refuse.
- (c) All trees, shrubs, ground cover, and other plant material must be replaced within (6) months of notification by the Village or during the next planting season, whichever occurs first, should the material die or become unhealthy because of accidents, drainage problems, disease, or other causes. Replacement plants shall conform to the standards that govern the original installation.
- (d) Fences shall be maintained in good structurally sound repair and in neat, clean, and attractive condition.

1267.07 Review Authority, Procedures and Criteria for Overlay Implementation and Site Plan Review Authority.

For any proposed development and implementation of the Overlay Area, the applicant shall submit for review by the Planning Commission a Site Plan, and the Planning Commission shall make a recommendation to Council on the Site Plan. The Planning Commission and Council have the authority and responsibility to consider: the location and appearance of existing buildings, structures, and parking; proposed landscaping and buffering; proposed and existing uses of the property; site lighting; and signs. The Planning Commission and Council shall review the Site Plan to determine that it satisfies the standards and purposes set forth in this chapter and the requirements of Chapter 1278 of this Code.

(a) Submission Requirements.

The Site Plan application shall include plans, illustrations, and supporting documentation for the entire area of the proposed project, which shall include:

1. The completed application form along with the application fee;
2. The Site Plan shall include both the commercial property fronting on Northfield Road and the proposed Overlay parcel(s) to be developed in conjunction with the Northfield Road parcel(s);
3. The gross acreage of the proposed development and the approximate size and location of all existing buildings and related facilities, trees, and landscape features on both the Northfield Road parcel(s) and the Overlay parcel(s);
4. The proposed uses; proposed new buildings and facilities depicting location, size, height, preliminary floor plans, and preliminary design; and existing buildings to be renovated, if any;
5. The location of the any residential property located on adjacent property or property across the street;
6. Any existing buildings or facilities to be demolished;
7. The proposed location, design, and standards for construction of driveways, sidewalks, parking and loading areas, fire lanes, utilities, waste disposal, etc.
8. A detailed landscape and grading plan depicting: mounding, fencing, vegetation to be retained, type of new landscaping (shrubs, trees, ground cover, etc.), and the general spacing and size of new vegetation at the time of planting;
9. A summary table depicting floor areas for each use; and
10. A lighting plan and photometric diagram depicting the location of fixtures, the general direction of the light, the level of brightness (on the ground, in the air, and along the property lines of Route 8 and the adjacent residential properties), and the hours for the illumination.

(b) Northfield Commercial Overlay Review Procedure.

1. Review for Completeness. Within thirty (30) days after receiving an application, or an amended application, the Building and Zoning Inspector shall review the submitted application for compliance with the applicable submission requirements in Section 1267.07(a) above. If the application is deemed insufficient, the Building and Zoning Inspector shall notify the applicant of any deficiencies and the additional information needed. When the application is deemed complete and the application fee has been paid, the Building and

Zoning Inspector shall officially accept the application, or amended application, and place it on the Planning Commission's agenda.

2. Distribution of Plans. When the Building and Zoning Inspector determines that the application for an Overlay development is complete, the Building and Zoning Inspector shall forward the application to the appropriate Village departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be returned to the Building and Zoning Inspector and be available when the Planning Commission considers the application. The existence and location of fire lanes shall be approved by the Village Fire Department prior to the Planning Commission's recommendation on the application.
3. The Planning Commission shall review the Overlay Site Plan, or amendment thereto, according to the applicable criteria in Section 1267.07(c) and make a recommendation to Council to:
 - A. Approve the Site Plan as submitted: or
 - B. Approve the Site Plan subject to specific, yet reasonable, conditions: or
 - C. Deny the Site Plan when the application does not demonstrate that the standards and criteria have been met.

When reviewing the Site Plan, the Planning Commission may also postpone the consideration of the application to a subsequent Planning Commission meeting in order for the applicant and/or the Commission to address concerns, comments, alternatives, or conditions expressed or identified at a Planning Commission meeting and consider any reasonable requests for additional information that may have been received. In reviewing the Overlay Site Plan, the Planning Commission may utilize and rely on outside consultants to evaluate the proposal and make recommendations to the Commission. The reasonable cost of this review is to be paid by the applicant. Review time incurred by the Village Engineer shall be billed to and paid by the applicant in accordance with the hourly rates contained in the Village Engineer's contract with the Village.

4. Council shall consider the recommendation of the Planning Commission and shall:
 - A. Approve the Site Plan as recommended by the Planning Commission; or
 - B. Approve the Site Plan with modified and/or additional conditions; or
 - C. Deny the application when Village Council determines the application does not demonstrate the standards and criteria have been met.
5. The Planning Commission and Council shall act on the Site Plan, or amendment thereto, within ninety (90) days from the date the application was deemed complete, or any extended period as may be agreed upon.

(c) Review Criteria

In reviewing the Overlay Site Plan, the Planning Commission and Council shall recognize the purposes of the Overlay Area; take into consideration the comments and recommendations of staff and consultants; and determine that the proposed Overlay Site Plan complies with the review criteria set forth below:

1. The plan is consistent with the requirements and purposes of the Overlay Area.
2. The appropriate use or value of the property within the proposed development will be enhanced.
3. Efforts have been taken to mitigate any significant negative impacts the proposed development is expected to have on any adjacent residential properties.
4. The proposed buffer and landscaping meet the requirements of Section 1267.05 and will assist in protecting the adjacent residential property.
5. Adequate provisions have been made for safe and efficient pedestrian and vehicular circulation within the site and with respect to adjacent properties and roadways.
6. The plan provides for an appropriate number of parking spaces based upon the criteria established by Chapter 1278.
7. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas and is designed in a manner that balances the marketing and development interests of the applicant with the impact on adjacent areas and considers the impact of direct light, glare, and glow on adjacent properties so that the lighting does not unreasonably interfere with the use and enjoyment of adjacent properties.
8. The existing and/or proposed landscaping enhances the quality of principal buildings, parking lots, and overall site development;
9. Adequate provision is made for storm drainage within and through the site in compliance with the applicable storm water regulations and best engineering practices for storm water drainage.
10. Any Overlay parcels to be incorporated into the Site Plan are vacant or will be vacant at the time of the proposed development.

(d) Significance of an Approved Overlay Site Plan:

1. An approved Site Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Site Plan may be transferred to another person, corporation, or group of individuals or corporations at any time, provided that the new ownership complies with all applicable approvals, stipulations, and conditions related to the approved Site Plan.
2. The Site Plan approval shall become null and void if the applicant does not commence construction or implementation of the plan within two (2) years of the date of final approval of the Site Plan by Council. The applicant may request an extension from Council of the time in which to commence construction or implementation of the Plan.
3. All subsequent construction and development for each component part may be approved by the Building and Zoning Inspector when he or she determines that the intended construction is in accordance with the approved Site Plan. Any departure from such approved plan shall be considered pursuant to Section 1267.07(e) below.

(e) Site Plan Modifications after Approval

1. A minor modification to the approved Site Plan may be approved by the Building and Zoning Inspector. A modification shall be considered minor when it results in:
 - A. Minor changes to the footprint of the buildings and/or changes in the floor area allocations for each use or in the general locations as specified on the approved Site Plan that do not materially impact parking or the building layout;
 - B. Changes to signs, lighting, or parking that are essentially equivalent to what were included in the previously approved Site Plan; or
 - C. Changes to the Landscape plant material that are essentially equivalent to the approved plant material, provided they do not change the buffer design as approved by the Planning Commission and Council.
2. Any modification to the approved Site Plan that does not satisfy the criteria in Section 1267.07(e) above shall be considered a plan amendment and shall only be approved pursuant to the procedures for Site Plan approval as specified in Section 1267.07(b).

APPENDIX A

APPROVED TREE LIST

Small trees shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree shall be used when planting under or within twenty (20) lateral feet of overhead utility wires. All varieties should tolerate urban environments and be at least moderately salt tolerant. Additional trees may be approved by the Village upon submission of evidence they can tolerate an urban environment, are salt tolerant and will not impact overhead utility wires.

Small: Under 30'

Crabapple varieties

Serviceberry- tree form

Tartarian Maple

Hawthorne (Thornless Cockspur, Ohio Pioneer)

Amur Maackia

Japanese Tree Lilac

Globe Norway Maple

Trinity Pear

Medium: 30-60'

Trinity Pear

Hedge Maple

Hackberry

State Street Maple

Ivory Silk Tree Lilac

Cleveland Norway Maple

Goldenrain tree

Emerald Luster Norway Maple

Shingle Oak

Parkway Norway Maple

Red Oak

Jade Glen Norway Maple

Littleleaf Linden or Tilia varieties

Norwegian & Pacific Sunset Maple

Sweetgum

Aristocrat Pear